

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

TRACIE L. BROWN (CSBN 188349)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6917
FAX: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPLE GATE,)
)
Defendant.)
_____)

No. CR 06-0173 JCS

**STIPULATION AND [PROPOSED]
ORDER VACATING THE MAY 14,
2007 SENTENCING, SCHEDULING A
STATUS HEARING FOR JUNE 8, 2007,
AND AMENDING CONDITIONS OF
RELEASE**

The United States of America and Defendant Apple Gate, by and through his counsel
Barry Portman, hereby stipulate as follows:

1. The sentencing in this matter is currently scheduled for May 14, 2007 at 11:00
a.m. On May 9, 2007, however, the Defendant began an in-patient treatment program for mental
health issues at a Veterans' Administration Hospital in Oregon. He is expected to be there
approximately 1 and ½ to 2 weeks.

2. In light of this circumstance and the uncertainty surrounding the Defendant's
condition, the parties request that the May 14, 2007 sentencing be vacated. The parties further
request a status hearing on June 8, 2007 at 10:30 a.m., with U.S. Probation Officer Sharon
Alberts appearing by telephone. The parties waive the appearance of the Defendant.

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3. Further, the parties request that the Court amend the conditions of the Defendant's release to permit travel between the Northern District of California and the District of Oregon.

SO STIPULATED:

DATED: 5/11/07

/s/
BARRY PORTMAN
Federal Public Defender

DATED: 5/11/07

/s/
TRACIE L. BROWN
Assistant United States Attorney

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

1. The sentencing currently set for May 14, 2007 are hereby VACATED. The parties shall appear at a status hearing on June 8, 2007 at 10:30 a.m. U.S. Probation Officer Sharon Alberts may appear by telephone. The appearance of the Defendant is waived.

2. The conditions of the Defendant's release are hereby AMENDED to permit travel between the Northern District of California and the District of Oregon for purposes of his mental health treatment.

DATED: May 14, 2007

